

From: Taub, Cynthia <CTaub@steptoe.com>
Sent: Monday, July 29, 2013 1:58 PM
To: 'Talbert, Stephanie (ENRD)'
Cc: Goldberg, Seth; Kaczmarek, Chris; Ross, Philip; Starmann, Allison; Tennis, Rachel
Subject: RE: Joint Motion To Hold Proceedings in Abeyance
Attachments: ENV_DEFENSE-#650558-v2-Motion_to_Hold_in_Abeyance_7_24_13.DOC.DOC

These changes look fine to us. Attached is a clean version in which we have accepted your changes, removed the draft headers, and added today's date. If you want to add the signature block and electronic signature for the government to the motion and certificate, we will get this filed.

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**UNITED STATES COURT OF APPEALS FOR THE
DISTRICT OF COLUMBIA CIRCUIT**

American Chemistry Council, Inc.,)	
<i>Petitioner,</i>)	
)	
v.)	
)	Case No. 13-1207
Environmental Protection Agency,)	
<i>Respondent.</i>)	
)	
)	

JOINT MOTION TO HOLD PROCEEDINGS IN ABEYANCE

On July 3, 2013, Petitioner American Chemistry Council, Inc. (“ACC” or “Petitioner”) filed with this Court a Petition for Review of Respondent Environmental Protection Agency’s (“EPA” or “Respondent”) May 18, 2013 Final Rule entitled “Data Requirements for Antimicrobial Pesticides.” 78 Fed. Reg. 26,936 (May 18, 2013). Petitioner and Respondent (collectively, the “Parties”) hereby jointly move that this petition for review be held in abeyance pending the outcome of settlement discussions.

On July 23, 2013, the Parties had initial discussions regarding the prospect of resolving the petition for review without litigation and have committed to continue settlement discussions. If successful, these discussions will result in a resolution of all the issues anticipated to be raised in the petition for review. Thus, an order holding all deadlines in abeyance while the parties discuss settlement would conserve judicial resources and permit the parties to focus their resources on

settlement. Accordingly, the Parties jointly request that the Court hold in abeyance this petition for review, including the deadlines identified in the Court's Order of July 5, 2013, during the pendency of settlement discussions. If granted, the Parties propose that the Court order the Parties to file joint status reports at 90- day intervals while the petition for review is held in abeyance.

Dated: July 29, 2013

Respectfully submitted,

Seth Goldberg (D.C. Bar No. 251629)
Cynthia Taub (D.C. Bar No. 445906)
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INSERT EPA SIGNATURE BLOCK

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INSERT EPA SIGNATURE BLOCK

CERTIFICATE OF SERVICE

I hereby certify that I have, this day, caused the foregoing Motion To Hold Proceedings in Abeyance to be served, by deposit in the United States Mail, first-class postage prepaid, in accordance with the Rules of this Court, upon:

Hon. Robert Perciasepe
Acting Administrator
Mail Code: 1101A
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Ms. Brenda Mallory
Acting General Counsel
Mail Code: 2310A
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dated: July 29, 2013

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